

# House File 114 - Introduced

HOUSE FILE 114

BY WATTS, BALTIMORE, COWNIE,  
SANDS, and HELLAND

## A BILL FOR

1 An Act relating to the qualifications of a nominee to the  
2 supreme court, court of appeals, and district court.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 46.14, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. Each judicial nominating commission shall carefully  
4 consider the individuals available for judge, and within sixty  
5 days after receiving notice of a vacancy shall certify to the  
6 governor and the chief justice the proper number of nominees,  
7 in alphabetical order. Such nominees shall be chosen by the  
8 affirmative vote of a majority of the full statutory number  
9 of commissioners upon the basis of their qualifications and  
10 without regard to political affiliation. Nominees shall be  
11 members of the bar of Iowa, shall be residents of the state or  
12 district of the court to which they are nominated, and shall  
13 be of such age that they will be able to serve an initial ~~and~~  
14 ~~one-regular~~ term of office to which they are nominated before  
15 reaching the age of seventy-two years. Nominees for district  
16 judge shall file a certified application form, to be provided  
17 by the supreme court, with the chairperson of the district  
18 judicial nominating commission. Absence of a commissioner or  
19 vacancy upon the commission shall not invalidate a nomination.  
20 The chairperson of the commission shall promptly certify the  
21 names of the nominees, in alphabetical order, to the governor  
22 and the chief justice.

23 EXPLANATION

24 This bill relates to the qualifications of a nominee to the  
25 supreme court, court of appeals, and district court.

26 The bill modifies the age requirements for a nominee to the  
27 supreme court, court of appeals, or district court. Under the  
28 bill, a person nominated for appointment to become a supreme  
29 court justice, court of appeals judge, or district judge, shall  
30 be of such an age that the nominee will be able to serve an  
31 initial term of office. Current law requires a nominee for the  
32 supreme court, court of appeals, or district court to be of  
33 such an age that the nominee will be able to serve an initial  
34 term and one regular term of office.

35 The initial and regular terms of office for a judicial

1 officer are found in the Iowa Constitution, article V, section  
2 17 and Code section 46.16. The initial term for all judicial  
3 officers except magistrates is one year after appointment  
4 and until January 1 following the next judicial election  
5 after expiration of such year. The initial term's length  
6 is determined by the date of appointment and is shorter in  
7 length than a regular term. The regular term, if the judge is  
8 retained by the voters after serving an initial term, is eight  
9 years for a supreme court justice and six years for a court of  
10 appeals or district judge.

11 The bill does not modify the mandatory retirement age for  
12 judicial officers which is set at 72 years of age.

13 The bill also does not modify the age qualifications for  
14 nominees to become a district associate judge in Code section  
15 602.6305, a magistrate in Code section 602.6404, an associate  
16 juvenile judge in Code section 602.7103C, or an associate  
17 probate judge in Code section 633.20C.